



General Assembly

January Session, 2013

Raised Bill No. 916

LCO No. 3239



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT AUTHORIZING CIVIL PENALTIES FOR THE FAULTY,
CARELESS OR NEGLIGENT APPLICATION OF PESTICIDES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-61 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) It shall be unlawful for any person:

5 (1) To detach, alter, deface, or destroy, in whole or in part, any
6 labeling required under FIFRA;

7 (2) To refuse to keep any records required pursuant to section 22a-
8 58, or to refuse to allow the inspection of any records or establishment
9 pursuant to sections 22a-58 and 22a-59, or to refuse to allow an officer
10 or employee of the Department of Energy and Environmental
11 Protection to take a sample of any pesticide pursuant to section 22a-59;

12 (3) To give a guaranty or undertaking provided for in subsection (c)
13 of this section which is false in any particular, except that a person who

14 receives and relies upon a guaranty authorized under subsection (c) of
15 this section may give a guaranty to the same effect, which guaranty
16 shall contain, in addition to that person's own name and address, the
17 name and address of the person residing in the United States from
18 whom the guaranty or undertaking was received;

19 (4) To use for his own advantage or to reveal, other than to the
20 commissioner or officials or employees of the Department of Energy
21 and Environmental Protection or other federal or state executive
22 agencies, or to the courts, or to physicians, pharmacists and other
23 qualified persons, needing such information for the performance of
24 their duties, in accordance with such directions as the commissioner
25 may prescribe, any information acquired by authority of this part
26 which is confidential under this part;

27 (5) Who is a registrant, wholesaler, dealer, retailer or other
28 distributor to advertise a product registered under this part for
29 restricted use without giving the classification of the product assigned
30 to it under section 22a-50;

31 (6) To make available for use, or to use, any registered pesticide
32 classified for restricted use or permit use for some or all purposes other
33 than in accordance with section 22a-50 and any regulations adopted
34 thereunder;

35 (7) To use any registered pesticide in a manner inconsistent with
36 restrictions prescribed under this part, subsection (a) of section 23-61a,
37 section 23-61b or inconsistent with labeling;

38 (8) To use any pesticide which is under an experimental use permit
39 contrary to the provisions of the permit;

40 (9) To violate any order issued under section 22a-62;

41 (10) To violate any suspension order issued pursuant to this part;

42 (11) To violate any cancellation of registration of a pesticide;

43 (12) To violate any provision of section 22a-56 or any regulation
44 established pursuant to this part;

45 (13) To violate any provision of section 10-231b, 10-231c, 10-231d or
46 22a-57;

47 (14) To knowingly falsify all or part of any application for
48 registration, application for experimental use permit, any records
49 required to be maintained pursuant to section 22a-58, any report filed
50 under this part, or any information marked as confidential and
51 submitted to the commissioner under any provision of this part;

52 (15) Who is a registrant, wholesaler, dealer, retailer or other
53 distributor to fail to file reports required by this part;

54 (16) To use any pesticide in tests on human beings unless such
55 human beings (A) are fully informed of the nature and purposes of the
56 test and of any physical and mental health consequences which are
57 reasonably foreseeable, therefrom, and (B) freely volunteer to
58 participate in the test;

59 (17) Who is a certified applicator, to apply a pesticide in a faulty,
60 careless or negligent manner.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>October 1, 2013</i>	22a-61(b)
-----------	------------------------	-----------

Statement of Purpose:

To authorize the assessment of a civil penalty, pursuant to section 22a-63 of the general statutes, against any certified applicator who applies a pesticide in a faulty, careless or negligent manner.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]